Sectt. II-27—45,004—14-11-29.

Law (General) (1930) Department.

MS SERIES.

G.O. No. 2698

DATED 28-6-1930.

[Despatch Abstract.]

Legal Assistance.

Pleaders' Fee - Civil Suit against late xx sub Inspector of Police - M.Lakshminarayan Rao - South Kanara District - Payment sanctioned.

Law (Genl) 25-22
C.F. 80
15-6-30

Police **DEPARTMENT.**

Police

Received ..... 19 . *Registered* 19

Subject.

Civil suit against late Sub-Inspector M.Lakshminarayana Rao- South Kanara district- Defence at Government cost- Sanction requested-

To,

The Law Department w.o. with support.

ARN.
7/6/30 OG, Police

9/6

Pub (Police) ws 222 9/1 9.6.30

ENCLOSURES.
No. 16 pages.
Spare copies (1)

Rc No. 10/acct/30

Station Madras, *Dated the* 5th June 1930.

From (Name) C.B. Cunningham, Esquire,
(Designation) Offg. Inspector-General of Police.
Chief

To The Secretary to the Government of Madras,
Public (Police) Department.

Sir,

I have the honour to request Government to sanction an expenditure of Rs.188-6-0 incurred in the defence of late Sub-Inspector M.Lakshminarayana Rao of Buntwal station, South Kanara district in a Civil suit brought against him by one Narikombu Rama Rao of Narikombu village in the same district.

2. The plaintiff Narikombu Rama Rao is a rich and influential landlord and was terrorising the residents of his and neighbouring villages. To check his criminal activities, the Sub-Inspector, Buntwal M.Lakshminarayana Rao collected evidence with a view to proceed against him unde

Section 110, Criminal Procedure Code. The plaintiff who became aware of this, promised the District Superintendent of Police and the Circle Inspector that he would abstain from such activities. On this assurance, the intended action against him was dropped. He behaved well for some time but very soon relapsed into his old ways. On 4th June 1928 accompanied by a number of hooligans he proceeded to Buntwal station and abused the Sub-Inspector and the police in public, during the Sub-Inspector's absence. For this riotous and disorderly behaviour two charge sheets were laid against him under Section 3 Clause 12 of the Towns Nuisances Act, but the cases ended in acquittal. While the cases were pending, as a counterblast to the procesution against him, the plaintiff sent a notice through a pleader to the Sub-Inspector, demanding Rs.5,500/- as damages for alleged defamation of the plaintiff by the Sub-Inspector on 4th June 1928, and subsequently filed a suit in the Sub Court, South Kanara.

3. As stated already, the Sub-Inspector was not in the station on 4th June 1928. As the suit was the outcome of the illfeeling and hatred which the plaintiff bore towards the Sub-Inspector on account of the action taken by him in his official capacity to restrain the plaintiff's criminal activities, I sanctioned the Sub-Inspector's defence provisionally at Government cost.

4. The Sub-Inspector died on 14th January 1930. As the plaintiff did not press the suit, the District Judge, South Kanara, has dismissed it without awarding costs. The Sub-Inspector engaged a pleader, but did not settle any fee beforehand. The pleader has stated that, as, in such a case as this, five percent up to Rs.5000/- of the suit amount and three per cent on the additional sum of Rs.500/- would be awarded by the Court as pleader's fees, it was not necessary to settle the fees in advance. The pleader appeared on ten different dates in connection with the filing and hearing of interlocutory applications. He originally claimed Rs.232-6-0 which included a junior fee of Rs.44/. He has since waived the junior's fee and wants payment

payment of Rs.188-6-0 as detailed below.-

	Rs.	A.	P.
Fees for the senior ...	132	0	0
Stamps, witness List etc.	51	6	0
Typing and clerk's fees	5	0	0
	188	6	0

5. The pleader's fee of Rs.132/- is debitable to "24.b. Administration of Justice- Law Officers- Honoraria Voted- Fees to pleaders in Civil and Criminal Cases etc.". The sum of Rs.56-6-0 will be met from the appropriation under "26.C. Police- District Executive Force- i District Police- Contingencies Voted- Miscellaneous".

6. I enclose for perusal and return the documents noted below.-

Copy of plaint. M 4-5 infra
" written statement. M 6-8 infra
" Judgment in O.S.No.8 of 1929 of the District Court, South Kanara. M 12-13 infra
Letters dated 6th February 1930 and 7th March 1930 from Mr.Varada Rao- Advocate, Mangalore. M 9-11 infra

I have the honour to be,

Sir,

Your most obedient servant,

for Inspr.-Genl.of Police.

Tss.5-6-30

In the court of theSubordinate Judge of South Kanara.

Original suit No. 50/1929.

Naricombu Rama Rao... Plaintiff.

and

M. Laxminarayana Rao. Defendent.

Plaint under Section 26 Order VII Rules 1 to 7 of C.P.C.

Plaintiff begs to state as follows.-

1. Plff. Naricombu Rama Rao is the son of Venkatramanaya and a land-owner residing in Naricombu, Mangalore Taluk. The address for service is as above.

2. Deft. M. Laxminarayana Rao is the Sub Inspector of Police, Buntval Mangalore Taluk.

3. (1) That on 4-6-1928 Deft. recklessly and maliciously and without any justification or occasion and in the presence of respectable persons defamed Plff. by making grossly and defamatory statements and imputations such as "ಪಚಿಂಕ, ಮೊಕ್ಕೆ, ಎಂತಾ ಮೊಕ್ಕೆಗಳು ಅಂತ ನಿಮ್ಮ ಮೊಕ್ಕೆಗಳಿಗೆ ಸಹಾಯ ಮಾಡುವ ಹುಚ್ಚ ಕಳ್ಳ ಸೂಳೆ ಮಗನಿಗೆ ಸಹಾಯ ಮಾಡುವ ಮುಚ್ಚ ಕಳ್ಳ ಸೂಳೆ ಮಗನಿಗೆ ಸಹಾಯ ಮಾಡುವ. ನನ್ನ ಮೈಸೂರಿಗೆ ಬಾ ಅಂತ ಕರೆದು ಮಾಡಿದ ಮೇಲೆ ನಿನ್ನ ಮೊಕ್ಕೆ ಮಾಡಿಸುತ್ತೇನೆ. ನಿನ್ನ ನಂಬೊಂಬಿಗಳ ಮುಂದೆ ಮಾಡಿಸುತ್ತೇನೆ."

and others of a similar nature which were of a character likely to injure plff.'s reputation and lower him very much in the estimation of others; and the deft. has been also wilfully and maliciously persisting in repeating the said defamatory allegations against Plff. The Deft. by his said conduct has caused great pain to plff. and has rendered himself liable to compensate plff. damages for injury caused to his mind and reputation.

(2) Plff. besides being a landowner paying an assessment of abou Rs. 2,700/- and holding high social position, is an elected member of the District and Taluk Boards; he is the President of the Naricombu Co-operative Society and is one of the Directors of a registered Bank Having regard to the status and position in life of plff. and to the filthy and vile language used by a man of Deft.'s position, plff. felt justified in claiming money compensation to the extent of -- Rs. 5500/- and called upon Deft. by means of a registered notice to pay plff. the said amount as damages and to give an undertaking not to repeat such allegations against plff.

(3) The Deft. has however sent a false reply totally denying that he at any time defamed plff. or that he cast any imputations against plff., adding that plff.'s notice was inspired with the object of defeating a criminal prosecution laid against plff. by Deft. under the Madras Town Nuisance Act. The plff. begs to submit that the said prosecution has been found to be false and has ended in complete acquittal of plff on 28-2-1929.

(4) The Deft. far from amending himself is exulting at the insult caused by him to plff. and boastfully repeating the same. Plff. files this suit for obtaining proper redress, claiming damages at Rs. 5,500/-

(5) Cause of action arose on 4-6-1928 and subsequently in Puntval and within the jurisdiction of this court. The court - being closed for summer recess from 22-4-1929 till 24-6-1929, the suit instituted this day is not time barred.

4. Plff. estimates the value of relief at Rs. 5,500/- Plff. therefore prays for a decree and judgment directing the Deft. to pay Plff. Rs. 5,500/- as damages with interest at 6 per cent from this date and costs of the suit with interest thereon and for such other and further reliefs which in the circumstances of the case may deem fit.

Mangalore, 24-6-1929. Sd. Naricombu Rama Rao.

I do hereby declare that the facts stated above are all true to my knowledge and I signed this plaint in Mangalore on 24-6-1929

Sd. N.Rama Rao.
/True copy of plaint.
Sd. K.Laxminarayana Rao
Advocate for plff.

/True copy/

17-12-29

District Police Office,
Mangalore, 16-12-1929.

Dt.Supdt. of Police, S.K.

A.B. 16-12.

b

Statement filed by S.I. M.Laxminarayana Rao.

O.S. 50/29.

Between Naricombu Rama Rao Plff.
and
M. Laxminarayana Rao. Deft.

Written statement of the defendent under Order VIII Rule I of Act V of 1908.

The Deft. abovenamed begs to state as follows.-

1. That the defendant is the son of M. Raghunathaya and is a Sub Inspector of Police, Buntval Mangalore Taluk, his address for service of all process and notices is as stated above.

2. That the plff.'s suit is false, malicious, speculative and not sustainable in law.

3. That this defendant denies that he on 4-6-1928 or at any other time defamed the plff. or that he made the statements referred to in para III (1) of the plaintand concerning the plaintiff.

4. This defendant also denies that he ever cast any imputations tending to injure the reputation of the plff. or that he ever used any abusive/insulting or language about the plff. with any intention of defaming him.

5. The deft. submits that the words referred to in plaint para III (1) are not defamatory.

6. This defendant avers that in any event, the alleged use of the plaint mentioned words is not actionable without and irrespective of any special damage and the plff. having not pleaded any special damage the plff has no cause of action.

7. That the plaint is vague in as much as the plff. has failed to give material particulars regarding the time when, the place at which and the persons to whom the alleged slander was uttered. This deft. denies that he uttered any slander with any intention of in-juring plff.'s reputation and in the presence of any respectable persons.

8. This deft. submits that, after he had assumed charge of Buntval police station in May 1926, several acts of lawlessness on the part of the plff. were brought to his notice and in the interests of justice and public safety, this deft. had to collect several instances of lawlessness on the part of the plff and his dependants

under the orders of the District Superintendent of Police and submit a B.C. roll in 1927 with a view to take action under S.c. 110 of theCr.P.C. but, on the assurance on the part of the plff. that he would cease all his mischievous activities the idea of taking action was put in abeyance.

9. The plff. began to intimidate and threaten this deft. in diverse ways; after criminal proceedings had been actually instituted against him under the Madras Nuisance Act the plff with the object of defeating the said proceedings and also apprhending that Security proceedings would be instituted against him, the plff. caused a lawyer's notice to be sent to this deft. making false allegations. This deft. has ~~only~~ duly replied to the plff.'s lawyers notice.

10. This deft. denies the plaint allegation that the prosecution referred to in plaint para III (3) has been found to be false.

11. This deft. submits that in any view, the damages claimed by the plff. are excessive.

12. This defendant denies the allegation in plaint para III (4)

13. The plff. is not entitled to any damages much less the Exhorbitant sum claimed in the plaint.

14. That save in so far as what is expressly traversed herein, all the other plaint allegations shall be deemed to have been denied.

15. This defendant therefore prays that plff.'s suit may be dismissed with costs.

/True copy/

17-12-29

District Police Office,
Mangalore, 16-12-1929.

Dt. Supdt. of Police, S.K.

A.B. 16-12.

8/ 4

In the Court of the Additional Subordinate Judge of South Kanara.

O.S. 50/29.

Issues framed on 2-9-1929

1. Whether the defendant uttered any and what words as alleged by the plff. ?

2. Whether the said words are defamatory ?

3. Whether there was any special damages caused to the Plaintiff, and if not whether the action is maintainable?

4. What damages if any, the plff. is entitled to ?.

/True copy/

17-12-29

District Police Office,
Mangalore, 16-12-1929.

Dt.Supdt of Police, S.K.

16/12

16/12

A.B. 16-12.

Post copy of telephonic message, dated 3rd July 1930, from the Assistant Inspector-General of Police, Madras, to the Under Secretary to Government, Law (General) Department.

Refce:- G.O.No.Ms.2698, Law (General) Department, dated 28th June 1930- Pleader's fee- Civil suit against late Sub-Inspector of Police- M-Lakshminarayana Rao, South Kanara district.

Please return the enclosures sent with my letter R.C.No.10/Acct. of 30, dated 5th June 1930, disposed of in the Government Order quoted above.

Re No. 471/acct/30

Office of the
Inspr.-Genl. of Police,
Madras, 5th July 1930.

for Asst. Inspr.-Genl. of Police.

To The Under Secretary to Government,
Law (General) Department.

Tss. 5-7-30

10 / 9

Law Education) Dept.

(2522B) From the Inspr Genl of Police Rc No 10/accts/30) 8.6.30

Legal Assistance – Pleaders' Fee – Civil Suit against Late Sub-Inspector M. Lakshmi Narayana Rao – Smt. Kamala D/o. Rajamma

Extract from for CF.

Public (Police) Dept.

To the Law Dept Rc. with Report.

(Sd) A. H.
9.6.30

Law (Genl) Dept

Draft submitted. May be sent to Finance for acceptance.

KCR.
14.6.30.

CR
17/6

Law (Genl) No 2522B/16/6
19/6/30

Jun
18/6

Finance

19 JUN 1930

Finance E. R.

The draft order may be accepted

19585 SD 23.6.30
SURAV 23.6.30

Law (Genl) 25/6/30.

Fin No 19585 BR/25.6.30

Law (Genl) No

May issue
Jun 26/6

30
26/6

Sectt. 11-5 (a)—50,606—5-11-29.

39/246

11

Law (General) DEPARTMENT.

	Date.	Initials.
When received for Fair-copying.		
When copied ..		
When examined ..		
When signed ..		
When despatched ...		

Legal Assistance

Pleaders' Fee - Civil Suit against late Sub Inspector of Police - M Lakshminarayan Rao - South Kanara Dt. - Payment sanctioned.

READ AGAIN G.O. No. ....., dated ..... 19 .

" " " " " ..... 19 .

READ ALSO :—

C. No. 25228 From the Dy of Police Re. No. 10/Audit/30 dated 5.6.1930.

" " ..... " " ..... " ..... " 19

" " ..... " " ..... " ..... " 19

ORDER.

MS

No. 2698, dated 28/6/1930

Govt sanction an expenditure of Rs 188-6-0 (Rupees one hundred and eighty-eight and annas six only) including Rs 132/- (Rupees one hundred and thirty two) as pleaders fees in connection with the defence of the late M. Lakshmi Narayana Rao, Sub Inspector of Police, of Kuntoval Station, South Kanara District, in the civil suit for damages filed against him by one Narikombu Rama Rao

2 The pleaders fee should be debited to "24-6- Administration

12

If Police - Law appears - Supplies and Services Dept - Mainly for Bandobast work Govt service & ~~in the Dept~~ ~~4 posts~~ another remaining Rs 56-0-0 (Rupees Fifty Six annas Nil) to 26-C. Police - District Executive Force - 1 District Police - Contingencies Dept - Miscellaneous" in the CB'E for 1930-31.

~~1926.30~~

17/6.

16/6

for 1926

Note Dy. Secy. ✓

Note Sec. ✓

Note for Secy.

38/1/30